

Subject: Summary of comments received during two telecons on 8/4/04. The first telecon was between Tony Broderick and Mario Giordano (FAA), and the second telecon was between Tony Broderick and Doug Anderson (FAA).

Referenced Rulemaking:“Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Request for Comments)”published in the Federal Register 7/30/04

Docket Number: FAA-2004-17681

During this telecon Mr. Tony Broderick made several comments regarding the subject Final Rule and Update notice. Those comments are summarized below:

Comment	Additional Information to Support Comment
The commenter states that the FAA does not have the legal authority to issue design approval holder requirements for existing design approval holders because 49 USC 44701 permits the issuance of “regulations...the Administrator finds necessary for safety in air commerce..” and obtaining such data from the manufacturer is not necessary as there are other sources of the data.	None.
The commenter states that there is no need to mandate these design approval holder requirements because, for the most part, the manufacturers have always fully cooperated with the operators to provide the necessary data in a timely manner.	None.
The commenter states that it is inappropriate for the FAA to impose requirements on TC holders to support operators because other parties could offer the same engineering support.	During the flight deck door program, a manufacturer offered a design solution for certain airplanes. However, they did not recoup all of the costs associated with developing that solution because some operators used STC solutions for that airplane model.
The commenter states that it is inappropriate for the FAA to impose requirements on TC holders to support operators because these requirements would interfere with the business relationship between operators and the TC/STC holders.	In the past (as with ADs), the FAA has imposed requirements on operators, and the TC holders have supported them with the expectation that the TC holders could charge for the related service information they developed.
The commenter states that it is inappropriate for the FAA to impose requirements on TC holders to support operators because this approach doesn’t work for TC holders who are out of business or surrender their TC.	None.
The commenter states that the location of design approval holder requirements (in part 25) could impact contracts for delivery of airplanes because those contracts commit OEMs to compliance with part 25.	None.

These comments will be considered and addressed along with the other comments received in response to the FAA's request for comments to the subject Final Rule and Update Notice.